

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-26 remain pending in the case. Claims 1-26 are rejected. Claims 1 and 17 are amended herein. No new matter has been added. Support for the amendments can be found in the instant specification at least at page 7, line 32, through page 8, line 12 and lines 30-36.

35 U.S.C. § 102(b) – Claims 9-14, 16, 22-24 and 26

The instant Office Action states that Claims 9-14, 16, 22-24 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0049979 by White et al., hereinafter referred to as “White.” Applicants have reviewed White and respectfully submit that the embodiments of the present invention as recited in Claims 9-14, 16, 22-24 and 26 are not anticipated by White for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 9 that recites that an embodiment of the present invention is directed to (emphasis added):

A method of streaming media, said method comprising:
receiving a plurality of media streams, said plurality of media streams having a mutual downstream destination and respective initial bandwidths associated therewith;
performing a service on each of said plurality of media streams, said service reducing a respective initial bandwidth of each of said plurality of media streams;

streaming said plurality of media streams at less than their respective initial bandwidths;

selecting at least one media stream from said plurality of media streams; and

streaming said at least one media stream at its initial bandwidth.

Independent Claim 22 recites a similar embodiment. Furthermore, Claims 10-14 and 16 that depend from independent Claim 9 and Claims 23, 24 and 26 that depend from independent Claim 22 also include these embodiments.

MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).
... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants respectfully submit that White does not teach or suggest each element of the claimed embodiments in the manner set forth in independent Claims 9 and 22. In particular, Applicants respectfully submit that White does not teach, describe or suggest "streaming said plurality of media streams at less than their respective initial bandwidths" (emphasis added) as claimed in independent Claims 9 and 22. In contrast, Applicants understand White to disclose transmitting lower version thumbnail images in a single data stream ([0024]).

With reference to FIG. 3 of White, camera system 300 is shown where “[t]he data stream from each camera and the thumbnail data stream are provided to stream control 302” (emphasis added; [0025]). Furthermore, White discloses a program that creates the thumbnail data stream in FIG. 3A, and recites “as indicated in block 333 [t]he corresponding thumbnail images from each data stream are placed next to each other to form composite images. The stream of these composite images is the thumbnail data stream” ([0026]).

Moreover, with reference to FIG. 4A, White discloses that “system 110 includes a server 401 which streams video to a web client 402 as indicated in FIG. 4A. The server 401 takes the four input streams A to D from the four camera 102A to 102 D and makes two streams T and F. Stream T is a thumbnail stream, that is, a single stream of images wherein each image in the stream has a thumbnail image from each of the cameras. Stream F is the focus stream of images which transmits the high resolution images which appear on the user's display” (emphasis added' [0027]).

Applicants respectfully assert that White discloses the creation of a new data stream comprised of compressed portions of the input streams, and that the new data stream is transmitted to a client. In particular, Applicants respectfully submit that White does not disclose “streaming said plurality of media streams at less than their respective initial bandwidths” (emphasis added) as claimed. Rather, White discloses that the compressed portions are transmitted in a new single data stream.

Applicants respectfully submit that White does not show the identical invention in as complete detail as contained in the claim, and that the elements of White are not arranged as required by the claims. Therefore, Applicants respectfully submit that White does not satisfy a *prima facie* case of anticipation of Claims 9 and 22.

Accordingly, Applicants respectfully assert that White does anticipate the claimed embodiments of the present invention as recited in independent Claims 9 and 22, that these claims overcome the rejection under 35 U.S.C. § 102(b), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit that White also does not teach or suggest the additional claimed features of the present invention as recited in Claims 10-14 and 16 that depend from independent Claim 9 and Claims 23, 24 and 26 that depend from independent Claim 22 also overcome the rejection under 35 U.S.C. § 102(b), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. § 102(e) – Claims 1-5, 8, 17-19 and 21

The instant Office Action states that Claims 1-5, 8, 17-19 and 21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0052578 by Phillips et al., hereinafter referred to as “Phillips.” Applicants have reviewed White and respectfully submit that the

embodiments of the present invention as recited in Claims 1-5, 8, 17-19 and 21 are not anticipated by Phillips for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method of streaming media, said method comprising:
receiving a plurality of media streams, said plurality of media streams having a mutual downstream destination and a total bandwidth associated therewith;
receiving information allowing identification of a selected media stream from said plurality of media streams from an editor device at said mutual downstream destination;
performing a service on each of said plurality of media streams except for said selected media stream, said service reducing a respective initial bandwidth of each of said plurality of media streams other than said selected media stream so that said total bandwidth is reduced; and
streaming said plurality of media streams to said editor device, wherein said plurality of media streams other than said selected media stream are streamed at less than their respective initial bandwidths, wherein said editor device is for receiving information selecting which of said plurality of media streams are selected for broadcast to viewers such that only said selected media stream is broadcast.

Independent Claim 17 recites a similar embodiment. Furthermore, Claims 2-5 and 8 that depend from independent Claim 1 and Claims 18, 19 and 21 that depend from independent Claim 17 also include these embodiments.

Applicants respectfully submit that Phillips does not teach or suggest each element of the claimed embodiments in the manner set forth in independent Claims 1 and 17. In particular, Applicants respectfully submit that Phillips does not teach, describe or suggest “streaming said plurality of media streams to said editor device, wherein said plurality of media streams other than said selected media stream are streamed at less than their respective initial bandwidths, wherein said editor device is for receiving information selecting which of said plurality of media streams are selected for broadcast to viewers such that only said selected media stream is broadcast” (emphasis added) as claimed in independent Claims 1 and 17. In contrast, Applicants understand Phillips to disclose transmitting a full video signal and a reduced video signal are broadcast and that these video signals are selected by a viewer.

With reference to FIG. 6 of Phillips, “[f]ollowing flow diagram 600, a main screen signal (block 610), and a partial screen signal are selected (block 620). In some cases, the main screen signal includes the video program that will be viewed on the entire screen of a display device, while the partial screen signal is superimposed over a portion of the main screen to create a picture-in-picture effect. Selection can be performed by way of selector 560” (emphasis added; [0120]). “Using such a selector, a user can indicate a source of video information, or other data that the user desires to be displayed on the full screen of home appliance 550, or a portion of home appliance 550. Further, the user can indicate a source of video

information, or other data that the user desires to be displayed either over the previously selected source, or at another location on the display” ([120]).

Accordingly, Applicants understand Phillips to disclose that a user selects two video signals for display, one full screen signal and one partial screen signal. Therefore, Applicants respectfully submit that Phillips does not teach, describe or suggest “streaming said plurality of media streams to said editor device, wherein said plurality of media streams other than said selected media stream are streamed at less than their respective initial bandwidths, wherein said editor device is for receiving information selecting which of said plurality of media streams are selected for broadcast to viewers such that only said selected media stream is broadcast” (emphasis added) as claimed in independent Claims 1 and 17.

Applicants respectfully submit that Phillips does not show the identical invention in as complete detail as contained in the claim, and that the elements of Phillips are not arranged as required by the claims. Therefore, Applicants respectfully submit that Phillips does not satisfy a *prima facie* case of anticipation of Claims 1 and 17.

Accordingly, Applicants respectfully assert that Phillips does anticipate the claimed embodiments of the present invention as recited in independent Claims 1 and 17, that these claims overcome the rejection under 35 U.S.C. § 102(e), and that these claims are thus in a condition for allowance. Therefore,

Applicants respectfully submit that Phillips also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-5 and 8 that depend from independent Claim 1 and Claims 18, 19 and 21 that depend from independent Claim 17 also overcome the rejection under 35 U.S.C. § 102(e), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a) - Claims 15 and 25

The Office Action mailed January 15, 2008, states that Claims 15 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over White. Applicants have reviewed White and respectfully submit that the embodiments of the present invention as recited in Claims 15 and 25 are patentable over White for at least the following rationale.

Claim 15 is dependent on independent Claim 9 and includes the recitations of independent Claim 9, and Claim 25 is dependent on independent Claim 22 and includes the recitations of independent Claim 22. Hence, by demonstrating that independent Claims 9 and 22 are patentable over White, it is also demonstrated that White do not show or suggest the embodiments of Claims 15 and 25.

As presented above, Applicants respectfully submit that White does not teach, describe or suggest "streaming said plurality of media streams at less than App. No.: 10/698,606

Examiner: Duong
Art Unit: 2616

their respective initial bandwidths” (emphasis added) as claimed in independent Claims 9 and 22. In contrast, Applicants understand White to disclose the creation of a new data stream comprised of compressed portions of the input streams, and that the new data stream is transmitted to a client.

Furthermore, Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). In particular, Applicants respectfully submit that by disclosing that the compressed portions are transmitted in a new single data stream, White teaches away from “streaming said plurality of media streams at less than their respective initial bandwidths” as claimed.

Applicants respectfully assert that White does not teach, disclose or suggest the claimed embodiment of the present invention as recited in independent Claims 9 and 22, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit that White also does not teach or suggest the additional claimed features of the present invention as recited in Claim 15 that depends from independent Claim 9 and Claim 25 that depends from independent Claim 22 also overcome the rejection under 35 U.S.C. §

103(a), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a) - Claims 6, 7 and 20

The Office Action mailed January 15, 2008, states that Claims 6, 7 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Phillips and White. Applicants have reviewed Phillips and White and respectfully submit that the embodiments of the present invention as recited in Claims 6, 7 and 20 are patentable over Phillips and White for at least the following rationale.

Claims 6 and 7 are dependent on independent Claim 1 and include the recitations of independent Claim 1, and Claim 20 is dependent on independent Claim 17 and includes the recitations of independent Claim 17. Hence, by demonstrating that independent Claims 1 and 17 are patentable over the combination of Phillips and White, it is also demonstrated that Phillips and White do not show or suggest the embodiments of Claims 6, 7 and 20.

As presented above, Applicants respectfully submit that Phillips does not teach, describe or suggest “streaming said plurality of media streams to said editor device, wherein said plurality of media streams other than said selected media stream are streamed at less than their respective initial bandwidths, wherein said editor device is for receiving information selecting which of said

App. No.: 10/698,606

Examiner: Duong
Art Unit: 2616

plurality of media streams are selected for broadcast to viewers such that only said selected media stream is broadcast" (emphasis added) as claimed in independent Claims 1 and 17. In contrast, Applicants understand White to disclose that a user selects two video signals for display, one full screen signal and one partial screen signal.

Moreover, Applicants respectfully submit that by disclosing that a user selects two video signals for display, Phillips teaches away from "wherein said editor device is for receiving information selecting which of said plurality of media streams are selected for broadcast to viewers such that only said selected media stream is broadcast" as claimed.

Moreover, Applicants respectfully submit that White does not overcome the shortcomings of Phillips. In particular, Applicants respectfully submit that White does not teach, describe or suggest "streaming said plurality of media streams to said editor device, wherein said plurality of media streams other than said selected media stream are streamed at less than their respective initial bandwidths, wherein said editor device is for receiving information selecting which of said plurality of media streams are selected for broadcast to viewers such that only said selected media stream is broadcast" as claimed.

Applicants respectfully assert that the combination of Phillips and White does not teach, disclose or suggest the claimed embodiment of the present

invention as recited in independent Claims 1 and 17, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit that the combination of Phillips and White also does not teach or suggest the additional claimed features of the present invention as recited in Claim 6 and 7 that depend from independent Claim 1 and Claim 20 that depends from independent Claim 17 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-26 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER BLECHER L.L.P.

Dated: 4/15/2008

/John P. Wagner, Jr./

John P. Wagner, Jr.
Registration No. 35,398

Address:

WAGNER BLECHER LLP
Westridge Business Park
123 Westridge Drive
Watsonville, California 95076
(408) 377-0500